

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1890

Introduced by Assembly Member Chau

February 19, 2014

~~An act to add and repeal Chapter 5.8 (commencing with Section 2697.2) of Division 2 of the Business and Professions Code, relating to athletic trainers. An act to add Chapter 2.7 (commencing with Section 18898) to Division 8 of the Business and Professions Code, relating to athletic trainers.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1890, as amended, Chau. Athletic trainers.

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would make it unlawful for any person to hold himself or herself out as a certified athletic trainer unless he or she has been certified by the Board of Certification, Inc., and has either graduated from a college or university, after completing an accredited athletic training education program, as specified, or completed requirements for certification by the Board of Certification, Inc., prior to January 1, 2004. The bill would make it an unfair business practice to violate these provisions.

~~Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.~~

~~This bill would enact the Athletic Training Practice Act which would, until January 1, 2020, provide for the licensure and regulation of athletic~~

~~trainers, as defined. The bill would establish the Athletic Trainer Licensing Committee to implement these provisions, including issuing and renewing athletic training licenses and imposing disciplinary action. Under the bill, the committee would be comprised of 7 members, to be appointed to 4-year terms except as specified. Commencing July 1 of the year in which this bill becomes operative, the bill would prohibit a person from practicing as an athletic trainer or using certain titles without a license issued by the committee, except as specified. The bill would specify the requirements for licensure, including the payment of a license application fee established by the committee. The bill would define the practice of athletic training and prescribe supervision requirements on athletic trainers. The bill would establish the Athletic Trainers' Fund for the deposit of license application and renewal fees, and would make those fees available to the committee for the purpose of implementing these provisions upon appropriation by the Legislature. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers Association for purposes of obtaining funds for the startup costs of implementing the act. The bill would require the director to determine that sufficient funds for that purpose have been obtained by a specified date and make the operation of these provisions contingent upon that determination. The bill would require the director to provide notice to the Legislature, the Governor, and on the department's Internet Web site of the determination, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Chapter 2.7 (commencing with Section 18898)*
- 2 *is added to Division 8 of the Business and Professions Code, to*
- 3 *read:*
- 4
- 5 *CHAPTER 2.7. ATHLETIC TRAINERS*
- 6
- 7 18898. (a) *No person shall hold himself or herself out to be a*
- 8 *certified athletic trainer unless he or she meets the following*
- 9 *requirements:*
- 10 (1) *He or she has done either of the following:*

1 (A) Graduated from a college or university after completing an
2 athletic training education program accredited by the Commission
3 on Accreditation of Athletic Training Education, or its predecessors
4 or successors.

5 (B) Completed requirements for certification by the Board of
6 Certification, Inc., prior to January 1, 2004.

7 (2) He or she has been certified by the Board of Certification,
8 Inc.

9 (b) It is an unfair business practice within the meaning of
10 Chapter 5 (commencing with Section 17200) of Part 2 of Division
11 7 for any person to use the title of "certified athletic trainer" or
12 any other term, such as "licensed," "registered," or "ATC," that
13 implies or suggests that the person is certified as an athletic
14 trainer, if the person does not meet the requirements of subdivision
15 (a).

16 ~~SECTION 1. The Legislature finds and declares the following:~~

17 ~~(a) California is one of only two states that does not currently~~
18 ~~regulate the practice of athletic training. This lack of regulation~~
19 ~~creates the risk that individuals who have lost or are unable to~~
20 ~~obtain licensure in another state will come to California to practice,~~
21 ~~thereby putting the public in danger and degrading the standards~~
22 ~~of the profession as a whole.~~

23 ~~(b) There is a pressing and immediate need to regulate the~~
24 ~~profession of athletic training in order to protect the public health,~~
25 ~~safety, and welfare. This need is particularly important because~~
26 ~~athletic trainers often work with schoolage children.~~

27 ~~SEC. 2. Chapter 5.8 (commencing with Section 2697.2) is~~
28 ~~added to Division 2 of the Business and Professions Code, to read:~~

29
30 ~~CHAPTER 5.8. ATHLETIC TRAINERS~~

31
32 ~~2697.2. This chapter shall be known, and may be cited, as the~~
33 ~~Athletic Training Practice Act.~~

34 ~~2697.4. For the purposes of this chapter, the following~~
35 ~~definitions apply:~~

36 ~~(a) "Athletic trainer" means a person who meets the~~
37 ~~requirements of this chapter, is licensed by the committee, and~~
38 ~~practices under the direction of a licensed physician or surgeon.~~

39 ~~(b) "Committee" means the Athletic Trainer Licensing~~
40 ~~Committee.~~

1 ~~2697.6. (a) A person shall not engage in the practice of athletic~~
2 ~~training unless licensed pursuant to this chapter.~~

3 ~~(b) A person shall not use the title “athletic trainer,” “licensed~~
4 ~~athletic trainer,” “certified athletic trainer,” “athletic trainer~~
5 ~~certified,” “a.t.,” “a.t.l.,” “c.a.t.,” “a.t.e.,” or any other variation of~~
6 ~~these terms, or any other similar terms indicating that the person~~
7 ~~is an athletic trainer unless that person is licensed pursuant to this~~
8 ~~chapter.~~

9 ~~(c) Notwithstanding subdivisions (a) and (b), a person who~~
10 ~~practiced athletic training in California for a period of 20~~
11 ~~consecutive years prior to July 1, 2015, and is not eligible on that~~
12 ~~date for an athletic training license may engage in the practice of~~
13 ~~athletic training and use the title “athletic trainer” without being~~
14 ~~licensed by the committee, upon registration with the committee.~~

15 ~~(d) Subject to Section 2697.34, this section shall become~~
16 ~~operative on July 1 of the year this chapter becomes operative.~~

17 ~~2697.8. (a) There is established the Athletic Trainer Licensing~~
18 ~~Committee. The committee consists of seven members.~~

19 ~~(b) The seven committee members shall include the following:~~

20 ~~(1) Four licensed athletic trainers. Initially, the committee shall~~
21 ~~include four athletic trainers who have satisfied the requirements~~
22 ~~of subdivision (a) of Section 2697.12 and who will satisfy the~~
23 ~~remainder of the licensure requirements described in Section~~
24 ~~2697.12 as soon as it is practically possible.~~

25 ~~(2) One public member.~~

26 ~~(3) One physician and surgeon licensed by the Medical Board~~
27 ~~of California or one osteopathic physician and surgeon licensed~~
28 ~~by the Osteopathic Medical Board of California.~~

29 ~~(4) One physical therapist licensed by the Physical Therapy~~
30 ~~Board of California.~~

31 ~~(c) Subject to confirmation by the Senate, the Governor shall~~
32 ~~appoint two of the licensed athletic trainers, the public member,~~
33 ~~and the physician and surgeon or osteopathic physician and~~
34 ~~surgeon. The Senate Committee on Rules and the Speaker of the~~
35 ~~Assembly shall each appoint a licensed athletic trainer. The~~
36 ~~Physical Therapy Board of California shall appoint the licensed~~
37 ~~physical therapist.~~

38 ~~(d) (1) All appointments are for a term of four years and shall~~
39 ~~expire on June 30 of the year in which the term expires. Vacancies~~
40 ~~shall be filled for any unexpired term.~~

1 ~~(2) Notwithstanding paragraph (1), for initial appointments~~
2 ~~made on or after January 1 of the year this chapter becomes~~
3 ~~operative, the public member appointed by the Governor shall~~
4 ~~serve a term of one year. The athletic trainers appointed by the~~
5 ~~Senate Committee on Rules and the Speaker of the Assembly shall~~
6 ~~serve terms of three years, and the remaining members shall serve~~
7 ~~terms of four years.~~

8 ~~(e) Each member of the committee shall receive per diem and~~
9 ~~expenses as provided in Section 103.~~

10 ~~2697.10. (a) The committee shall adopt, repeal, and amend~~
11 ~~regulations as may be necessary to enable it to carry into effect~~
12 ~~the provisions of this chapter. All regulations shall be in accordance~~
13 ~~with this chapter.~~

14 ~~(b) In promulgating regulations, the committee may consult the~~
15 ~~professional standards issued by the National Athletic Trainers~~
16 ~~Association, the Board of Certification, Inc., the Commission on~~
17 ~~Accreditation of Athletic Training Education, or any other~~
18 ~~nationally recognized professional organization.~~

19 ~~(c) The committee shall approve programs for the education~~
20 ~~and training of athletic trainers.~~

21 ~~(d) The committee shall investigate each applicant, before a~~
22 ~~license is issued, in order to determine whether the applicant meets~~
23 ~~the qualifications required by this chapter.~~

24 ~~(e) Protection of the public is the highest priority for the~~
25 ~~committee in exercising its licensing, regulatory, and disciplinary~~
26 ~~functions. Whenever the protection of the public is inconsistent~~
27 ~~with other interests sought to be promoted, the protection of the~~
28 ~~public is paramount.~~

29 ~~2697.12. Except as otherwise provided in this chapter, the~~
30 ~~committee shall issue an athletic training license to an applicant~~
31 ~~who meets all of the following requirements:~~

32 ~~(a) Has submitted an application developed by the committee~~
33 ~~that includes evidence that the applicant has graduated from a~~
34 ~~professional degree program in athletic training accredited by the~~
35 ~~Commission on Accreditation of Athletic Training Education, or~~
36 ~~its predecessors or successors, and approved by the committee, at~~
37 ~~an accredited postsecondary institution or institutions approved~~
38 ~~by the committee. The professional degree program shall consist~~
39 ~~of didactic, clinical, and research experiences in athletic training~~
40 ~~using critical thinking and weighing of evidence.~~

~~(b) Has passed an athletic training certification examination offered by the Board of Certification, Inc., its predecessors or successors, or another nationally accredited athletic trainer certification agency approved and recognized by the committee.~~

~~(c) Possesses an emergency cardiac care certification from a certification body, approved by the committee, that adheres to the most current international guidelines for cardiopulmonary resuscitation and emergency cardiac care.~~

~~(d) Has paid the application fee established by the committee.~~
~~2697.14. Notwithstanding Section 2697.12, the committee shall issue an athletic training license to an applicant who did not graduate from an accredited athletic training education program as described in subdivision (a) of Section 2697.12, but who received athletic training via an internship, if the applicant meets all of the following requirements:~~

~~(a) Furnishes evidence satisfactory to the committee of completion of a degree at an accredited postsecondary institution that included instruction in basic sciences related to, and on the practice of, athletic training.~~

~~(b) Passed the examination described in subdivision (b) of Section 2697.12 by December 31, 2003.~~

~~(c) Completes at least 1,500 hours of clinical experience under an athletic trainer certified by the Board of Certification, Inc.~~

~~(d) Possesses an emergency cardiac care certification from a certification body, approved by the committee, that adheres to the most current international guidelines for cardiopulmonary resuscitation and emergency cardiac care.~~

~~(e) Has paid the application fee established by the committee.~~
~~2697.16. A license issued by the committee pursuant to Section 2697.12 or 2697.14 is valid for two years and thereafter is subject to the renewal requirements described in Sections 2697.18 and 2697.20.~~

~~2697.18. The committee shall establish license application and renewal fees in an amount sufficient to cover the reasonable regulatory costs of carrying out this chapter.~~

~~2697.20. The committee shall renew a license if an applicant meets all of the following requirements:~~

~~(a) Pays the renewal fee as established by the committee.~~

~~(b) Submits proof of all of the following:~~

1 ~~(1) Satisfactory completion of continuing education, as~~
2 ~~determined by the committee.~~

3 ~~(2) Current athletic training certification from a certification~~
4 ~~body approved by the committee, including, but not limited to, the~~
5 ~~Board of Certification, Inc., or its predecessors or successors.~~

6 ~~(3) Current emergency cardiac care certification meeting the~~
7 ~~requirements of subdivision (d) of Section 2697.12.~~

8 ~~2697.21. (a) The committee may deny a license or the renewal~~
9 ~~of a license for an applicant or licensee who is described by any~~
10 ~~of the following:~~

11 ~~(1) Does not meet the requirements of this chapter.~~

12 ~~(2) Has had an athletic training license, certification, or~~
13 ~~registration revoked or suspended by an accredited organization,~~
14 ~~state, or territory.~~

15 ~~(3) Has been convicted of a felony or any other crime that~~
16 ~~substantially relates to the functions or duties of an athletic trainer.~~

17 ~~(4) Has committed unprofessional conduct, as described in~~
18 ~~subdivision (b).~~

19 ~~(b) The committee may order any of the following actions~~
20 ~~relative to an athletic training license after a hearing for~~
21 ~~unprofessional conduct, which includes, but is not limited to, a~~
22 ~~violation of this chapter, any regulation adopted by the committee~~
23 ~~pursuant to this chapter, and revocation or suspension of an athletic~~
24 ~~training license, certification, or registration by an accredited~~
25 ~~organization, state, or territory:~~

26 ~~(1) Issuance of the athletic training license subject to terms and~~
27 ~~conditions.~~

28 ~~(2) Suspension or revocation of the athletic training license.~~

29 ~~(3) Imposition of probationary conditions upon the athletic~~
30 ~~training license.~~

31 ~~2697.22. (a) The practice of athletic training includes all of~~
32 ~~the following:~~

33 ~~(1) Risk management and injury or illness prevention.~~

34 ~~(2) The clinical evaluation and assessment of an injury or an~~
35 ~~illness sustained or exacerbated while participating in physical~~
36 ~~activity, or both.~~

37 ~~(3) The immediate care and treatment of an injury or an illness~~
38 ~~sustained or exacerbated while participating in physical activity,~~
39 ~~or both.~~

~~(4) The rehabilitation and reconditioning from an injury or an illness sustained or exacerbated while participating in physical activity, or both.~~

~~(b) The practice of athletic training does not include the practice of physical therapy, the practice of medicine, the practice of osteopathic medicine, the practice of chiropractic medicine, the practice of nursing, or medical diagnosis or treatment.~~

~~(c) An athletic trainer shall refer a patient to an appropriate licensed health care provider when the treatment or management of the injury, illness, or condition does not fall within the practice of athletic training.~~

~~(d) An athletic trainer shall not provide, offer to provide, or represent that he or she is qualified to provide any treatment that he or she is not qualified to perform by his or her education, training, or experience, or that he or she is otherwise prohibited by law from performing.~~

~~(e) For purposes of this section, "injury" or "illness" means an injury or illness sustained as a result of, or exacerbated by, participation in athletics or physical activity for which the athletic trainer has had formal training during his or her professional education program, including nationally recognized educational competencies and clinical proficiencies for the entry-level athletic trainer or advanced postprofessional study, and falls within the practice of athletic training.~~

~~(f) Subject to Section 2697.34, this section shall become operative on July 1 of the year this chapter becomes operative.~~

~~2697.24. (a) An athletic trainer shall render treatment within his or her scope of practice under the direction of a physician and surgeon licensed by the Medical Board of California or an osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California. This direction shall be provided by verbal order when the directing physician and surgeon or osteopathic physician and surgeon is present and by written order or by athletic training treatment plans or protocols, to be established by the physician and surgeon or osteopathic physician and surgeon, when the directing physician and surgeon or osteopathic physician and surgeon is not present.~~

~~(b) Notwithstanding any other law, and consistent with this chapter, the committee may establish other alternative mechanisms for the adequate direction of an athletic trainer.~~

1 ~~(e) Subject to Section 2697.34, this section shall become~~
2 ~~operative on July 1 of the year this chapter becomes operative.~~

3 ~~2697.26. The requirements of this chapter do not apply to the~~
4 ~~following:~~

5 ~~(a) An athletic trainer licensed, certified, or registered in another~~
6 ~~state or country who is in California temporarily, traveling with a~~
7 ~~team or organization, to engage in the practice of athletic training~~
8 ~~for, among other things, an athletic or sporting event.~~

9 ~~(b) An athletic trainer licensed, certified, or registered in another~~
10 ~~state who is invited by a sponsoring organization, such as the~~
11 ~~United States Olympic Committee, to temporarily provide athletic~~
12 ~~training services under his or her state's scope of practice for~~
13 ~~athletic training.~~

14 ~~(c) A student enrolled in an athletic training education program,~~
15 ~~while participating in educational activities during the course of~~
16 ~~his or her educational rotations under the supervision and guidance~~
17 ~~of an athletic trainer licensed under this chapter or other licensed~~
18 ~~health care provider.~~

19 ~~(d) A member or employee of the United States Armed Forces,~~
20 ~~licensed, certified, or registered in another state, as part of his or~~
21 ~~her temporary federal deployment or employment in California~~
22 ~~for a limited time.~~

23 ~~2697.28. This chapter does not limit, impair, or otherwise apply~~
24 ~~to the practice of any person licensed and regulated under any~~
25 ~~other chapter of Division 2 (commencing with Section 500).~~

26 ~~2697.30. This chapter does not require new or additional~~
27 ~~third-party reimbursement for services rendered by an individual~~
28 ~~licensed under this chapter.~~

29 ~~2697.32. The Athletic Trainers' Fund is hereby established.~~
30 ~~All fees collected pursuant to this chapter shall be paid into the~~
31 ~~fund. These fees shall be available to the committee, upon~~
32 ~~appropriation by the Legislature, for the regulatory purpose of~~
33 ~~implementing this chapter.~~

34 ~~2697.34. (a) Notwithstanding any other law, including Section~~
35 ~~11005 of the Government Code, the Director of Consumer Affairs~~
36 ~~may seek and receive funds from the California Athletic Trainers~~
37 ~~Association for the initial costs of implementing this chapter.~~

38 ~~(b) This chapter shall not become operative until January 1 of~~
39 ~~the year following the date upon which the director determines~~
40 ~~that sufficient funds to pay for the initial costs of this chapter have~~

1 been received from the California Athletic Trainers Association,
2 or some other source of funding, and the funds are deposited in
3 the Athletic Trainers' Fund.

4 (e) The director shall make the funding determination described
5 in subdivision (b) on or before June 30, 2015. If the director finds
6 that sufficient funds are not available by that date, he or she shall
7 reexamine the funding status by June 30 of each subsequent year
8 until he or she determines that the conditions described in
9 subdivision (b) have been met.

10 (d) The director shall provide written notification to the
11 Legislature and the Governor when the funding conditions
12 described in subdivision (b) have been met and shall concurrently
13 post a notice on the Department of Consumer Affairs Internet Web
14 site that the determination has been made.

15 (e) A failure of the director to comply with subdivision (d) shall
16 not affect the validity of a determination made pursuant to
17 subdivision (b).

18 2697.36. This chapter shall remain in effect only until January
19 1, 2020, and as of that date is repealed, unless a later enacted
20 statute, that is enacted before January 1, 2020, deletes or extends
21 that date.